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EXAMINER

RADA, ALEX P

ART UNIT PAPER NUMBER

3714

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Tata

Office Action Summary

Application No.

09/965,163

Applicant(s)

JOSHI, SHRIDHAR P.

Examiner

Alex P. Rada

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,14,16,18,20,21,27,37 and 38 is/are pending in the application.
- 4a) Of the above claim(s) 28-36 and 39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,14,16,18,20,21,27,37 and 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

In response to the amendment filed June 14, 2005 in which the applicant previously canceled claims 2, 5-13, 15, 17, 19, and 22-26, previously withdraws claims 28-36 and 39, amends claims 1, 3-4, 14, 16, 18, 20-21, 27, and 37, and claims 1, 3-4, 14, 16, 18, 20-21, 27, and 37-38 are pending in this office action.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 14, 18, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moody (US 2002/0093136) in view of Brune et al. (US 5,851,148) and Brandstetter et al. (US 2003/0036427).
3. Moody discloses the following;

A gaming machine receiving a wager to initiate play, randomly selecting an outcome for the game from a plurality of possible outcome, representing the selected outcome on a visual display (20), awarding a monetary payout from the gaming machine for a winning outcome (paragraph 31), dispensing a tangible sweepstakes entry from the gaming machine in response to a predetermined outcome (paragraph 30), submitting the sweepstakes entry to enter the sweepstakes without involving the

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gaming machine, conducting the sweepstakes after the sweepstakes entry is dispensed from the gaming machine (paragraph 25 and summary), and the gaming machine in response to wagering on all available pay lines, in which the examiner interprets to be the max bet for one pay line as recited in claims 1, 14, 18, and 27.

Moody does not expressly disclose the following:

A predetermined triggering condition being based on at least one of a number of game plays, a frequency of play, a number of activated pay lines, a player- tracking information, time of day and completing the tangible sweepstakes entry form manually with identifying indicia as recited in claims 1, 14, 18, and 27

Brune et al teaches the following:

A predetermined triggering condition being based on at least one of a number of game plays, a frequency of play, a number of activated pay lines, a player- tracking information, time of day as recited in claims 1, 14, 18, and 27. By having a plurality of different triggering events, one of ordinary skill in the art would provide game players with unexpected results like an increase in payout or other bonus type events.

Brandstetter et al teaches the following:

Completing the tangible sweepstakes entry form manually with identifying indicia (paragraphs 19-21 and 37 and summary) as recited in claims 1, 14, 18, and 27. By completing a sweepstakes entry form manually, one of ordinary skill in the art would provide game players a chance at a supplemental award to there initial gaming award.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Moody to include *a predetermined*

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triggering condition being based on at least one of a number of game plays, a frequency of play, a number of activated pay lines, a player- tracking information, time of day and the completion of the tangible sweepstakes entry form manually with identifying indicia as taught by Brune et al and Brandstetter to provide game players with unexpected results like an increase in payout or other bonus type events with a chance at a supplemental award to there initial gaming award.

4. Claims 3-4, 16, and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moody (US 2002/0093136) in view of Brandstetter et al. (US 2003/0036427) as applied to claims 1, 14, and 18 above, and further in view of Horniak et al. (Us 20030100362).

5. Moody in view of Brandstetter et al disclose the claimed invention as discussed above except for the following:

The selected outcome is a predetermined one or more of the plurality of possible outcomes, predetermined one or more of the plurality of possible outcomes being associated with the monetary payout exceeding a predetermined threshold and below a predetermined threshold as recited in claims 3-4, 16, and 20-21.

Horniak et al teaches the following:

One or more of the plurality of possible outcomes is associated with the monetary payout exceeding a predetermined threshold and below a predetermined threshold (paragraphs 43-44). By having a predetermined threshold associated with the monetary payout, one of ordinary skill in the art would provide an incentive to the players of a slot machine to continue to use the slot machine (paragraph 10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Moody to further include one or more

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of the plurality of possible outcomes being associated with the monetary payout exceeding a predetermined threshold and below a predetermined threshold as taught by Horniak to provide an incentive to the players of a slot machine to continue to use the slot machine.

6. Claims 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moody (US 2002/0093136) in view of Brune et al. (US 5,851,148), Brandstetter et al. (US 2003/0036427) and Erlichson et al. (US 2001/0039513).

7. Moody discloses the following:

A gaming machine receiving a wager to initiate play, randomly selecting an outcome for the game from a plurality of possible outcome, representing the selected outcome on a visual display (20), awarding a monetary payout from the gaming machine for a winning outcome (paragraph 31), and dispensing a tangible sweepstakes entry from the gaming machine in response to predetermined outcome (paragraph 30), and conducting the sweepstakes after the sweepstakes entry is dispensed from the gaming machine (paragraphs 25, 53-58, and summary) as recited in claim 37.

Moody does not expressly disclose the following:

A predetermined triggering condition being based on at least one of a number of game plays, a frequency of play, a number of activated pay lines, a player-tracking information, time of day and completing the sweepstakes entry from via a web site on an Internet with identifying indicia on an electronic sweepstakes entry form and submitting the electronic sweepstakes entry form via the website on the Internet to enter the sweepstakes without involving the gaming machine as recited in claim 37.

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The website has a security access code for allowing access to the website as recited in claim 38.

Brune et al teaches the following:

A predetermined triggering condition being based on at least one of a number of game plays, a frequency of play, a number of activated pay lines, a player- tracking information, time of day as recited in claims 1, 14, 18, and 27. By having a plurality of different triggering events, one of ordinary skill in the art would provide game players with unexpected results like an increase in payout or other bonus type events.

Brandstetter et al teaches the following:

Completing the sweepstakes entry form with identifying indicia without involving the gaming machine (paragraphs 19-21 and 37-38 and summary) as recited in claim 37. By having completing the sweepstakes entry form, one of ordinary skill in the art would provide game players a chance at a supplemental award to there initial gaming award.

Erlichson et al teaches the following:

Submitting an electronic sweepstakes entry form via a website on the Internet (paragraph 5) and allowing access to the website (figures 1-4) as recited in claims 37 and 38. By submitting an electronic sweepstakes entry form via the website on the Internet, one of ordinary skill would provide game players a chance at a supplemental award to there initial gaming award.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Moody to further include completing the sweepstakes entry from via a web site on an Internet with identifying indicia on

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an electronic sweepstakes entry form and submitting the electronic sweepstakes entry form via the website on the Internet to enter the sweepstakes without involving the gaming machine as taught by Brune et al, Brandstetter et al and Erlichson et al to provide game players with unexpected results like an increase in payout or other bonus type events with a chance at a supplemental award to there initial gaming award.

Response to Arguments

8. Applicant's arguments with respect to claims 1, 3-4, 14, 16, 18, 20-21, 27, and 37-38 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 571-272-4452. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Jessica Harrison can be reached on 571-272-4449. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AGZ
APR

Chanda L. Harris
CHANDA L. HARRIS
PRIMARY EXAMINER